

United States District Court
District of Delaware

FILED

AUG - 8 2005

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

Kenneth L. Holland
-Plaintiff-

-vs-

1:05-cv-464 (SLR)

Stan Taylor, et al.
-Defendants-

Affidavit in Support of the Plaintiff's
Motion for the Appointment of Counsel

Kenneth L. Holland, being duly sworn, deposes and says:

- 1.) I am the Plaintiff in the above entitled case. I make this affidavit in support of my motion for the appointment of counsel.
- 2.) The complaint in this case alleges that the Plaintiff was subjected to unlawful imprisonment, cruel and unusual punishment and denial of due process by supervisory officers, some of whom intentionally denied the Plaintiff his due process in a disciplinary hearing. The complaint also alleges that the Plaintiff was subjected to the misuse of force by a correctional officer, whom actively "cap stun" and punched the Plaintiff.

- 3.) This is a complex case because it contains several different legal claims, with each claim involves a different set of Defendants in different facilities.
- 4.) This case involves medical issues that the Plaintiff suffered, and may require expert testimony and documentation that the Plaintiff would need to show injuries.
- 5.) This case may requires extensive documentary discovery, depositions of prison officials, or access to witnesses that the Plaintiff cannot get to "such as prisoners who have been released or transferred to other prisons". The Plaintiff himself, is no longer in the same facility that the incident occurred.
- 6.) The testimony in the case will be in sharp conflict, since the Plaintiff alleges that one of the defendant assaulted him, while that defendant claims the Plaintiff assaulted him.
- 7.) The Plaintiff has only a "10th grade" high school education and "no" legal education
- 8.) Plaintiff has been placed in Maximum Security punitive segregation. For this reason Plaintiff has very limited access to legal materials and has "no" ability to investigate the facts of this case

"Such as", locating and interviewing the other inmates who were eyewitnesses to the assault, and who are now longer serving there sentences.

As set forth in the Memorandum of law submitted with this motion, these facts along with the legal merit of the Plaintiff claims, supports the appointment of counsel to represent the Plaintiff.

Wherefore, the Plaintiff motion for the appointment of Counsel should be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Aug 1, 2005
Date

Kenneth Holland
Signature of Plaintiff

Delaware Correctional Center
1181 Paddock Rd
Smyrna, Delaware 19977

IM Kenneth Holland

SP# 164800 UNIT 4u-18-D-L-7#

DELAWARE CORRECTIONAL CENTER

SP# 2 Paddock Road

DOVER, DELAWARE 19977

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